IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION NO : 22975 of 2004

Between:

T. Appala Naidu S/o late Ramulu
Gandhavaram (V)&(P) Chodavaram Mandal

Visakhapatnam District

..... PETITIONER

AND

1 The Chodavaram Co-op Sugar Factory Ltd.,

No. B 1109 Govada Visakhapatnam District
rep by Managing Director
2 Kolli Gangu Naidu C/o Chodavaram

C/oop Sugar Factory
Govada, Visakhapantam District

.....RESPONDENTS

ORDER:

Seeking a declaration that the action of the first respondent in conducting auction on 25-11-2004 for lifting the boiler ash from its sugar factory and confirming the same in favour of the second respondent as illegal and arbitrary, the present writ

petition is filed.

In pursuance of a tender notification by the first respondent-factory on 19-11-2004, the petitioner, the second respondent, one K.Gaddayya and two others have participated in the tender process. Petitioner quoted the lowest rate for lifting boiler ash at the rate of Rs.1650/- per lorry and Rs.850/- per tractor. But the first respondent-authority acted arbitrarily by mentioning in the tender notice as 'rate for each lorry and rate for each tractor', and accepting the tender application of the second respondent wherein it was mentioned as 'rate for ton'. Even the representation made by the petitioner to give him an opportunity to quote the price at 'ton rate' went in vain. It is his case that without mentioning in the tender notice that the tender deposit should be by way of demand draft only, first respondent refused to receive the deposit amount in cash from K.Gaddayya and cleverly eliminated said Gaddayya also from the tender process, and ultimately awarded the contract to the second respondent. Hence, the writ petition.

None appears for the petitioner. Perused the entire material available on record.

Except making bald allegations that there are some irregularities committed by the first respondent-authority as to the quoting of price, and refusing to receive the application of one Gaddayya, and also allowing the second respondent to quote the price as 'rate for ton' instead of 'rate for lorry' and 'rate for tractor', no material has been placed before this Court in order to examine as to whether there are any such irregularities. In the absence of such material, it cannot be inferred that first respondent has not acted fairly, and there are any such irregularities as alleged by the petitioner. Therefore, I see no merits in this writ petition and the same is liable to be dismissed.

Writ petition is, accordingly, dismissed. No costs.

23-09-2005

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